

BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PUBLIC
amendment of ARM 36.10.129,	)	HEARINGS ON PROPOSED
Wildland-Urban Interface, and the	)	AMENDMENT AND ADOPTION
adoption of New Rule I regarding	)	
guidelines for development within the	)	
wildland-urban interface	)	

To: All Concerned Persons

1. The Department of Natural Resources and Conservation will hold three public hearings at 1:00 p.m. on the following dates: September 18, 2008, in the DEQ Conference Room at 1371 Rimtop Drive, Billings, Montana; September 19, 2008, in the Director's Conference Room at DNRC Headquarters at 1625 Eleventh Avenue, Helena, Montana; and on September 23, 2008, at the Department of Fish, Wildlife, and Parks, Region 2 Headquarters, 3201 Spurgin Road, Missoula, Montana, to consider the amendment and adoption of the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the agency no later than 5:00 p.m. on September 5, 2008, to advise the agency of the nature of the accommodation that you need. Please contact Pat Cross, Fire Prevention Specialist, Department of Natural Resources and Conservation Fire and Aviation Management Bureau, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4251, fax (406) 542-4242, e-mail pcross@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

36.10.129 WILDLAND/-URBAN INTERFACE (1) County governments without subdivision wildfire protection standards are encouraged to establish standards for all new subdivisions by ~~January~~ October 1, 2009.

(2) The ~~Fire Protection~~ Guidelines for Development Within the Wildland-  
/Residential Urban Interface Development, (~~DNRCDSL/DOJ, 19932008~~), is available for use to assist counties in the development of standards.

(3) Counties that do not adopt Guidelines for Development Within the Wildland-  
Urban Interface by October 1, 2009, will not be eligible to receive grants or funding  
assistance from the department for purposes of development in the wildland-urban  
interface.

AUTH: 76-13-104, MCA  
IMP: 76-13-104, MCA

REASONABLE NECESSITY: The amendments are meant to update recent developments in the knowledge associated with development in the wildland-urban interface, and to comply with 76-13-104(8), MCA, which requires the Montana Department of Natural Resources and Conservation to adopt administrative rules addressing development within the wildland-urban interface by October 1, 2008.

4. The rule proposed to be adopted provides as follows:

NEW RULE I WILDLAND-URBAN INTERFACE DEVELOPMENT GUIDELINES (1) The department adopts and incorporates by reference the Guidelines for Development Within the Wildland-Urban Interface (DNRC 2008), which sets forth guidelines that counties may adopt for purposes of development within the wildland-urban interface. A copy of the Guidelines for Development Within the Wildland-Urban Interface (DNRC 2008) may be obtained from the Montana Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, Montana 59620.

AUTH: 76-13-104, MCA

IMP: 76-13-104, MCA

REASONABLE NECESSITY: New Rule I is meant to update recent developments in the knowledge associated with development in the wildland-urban interface. New Rule I is also meant to comply with 76-13-104(8), MCA, which requires the Montana Department of Natural Resources and Conservation to adopt administrative rules addressing development within the wildland-urban interface by October 1, 2008.

5. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Pat Cross, Forest Stewardship Specialist, Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4251; fax (406) 542-4241; or e-mailed to [pcross@mt.gov](mailto:pcross@mt.gov), and must be received no later than 5:00 p.m. on September 25, 2008.

6. Ted Mead, Fire and Aviation Management Bureau Chief, Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59804 has been designated to preside over and conduct the hearings on September 18, 2008, and September 19, 2008. Pat Cross, Forest Steward Specialist, Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59804 has been designated to preside over the hearing on September 23, 2008.

7. An electronic copy of this Notice of Public Hearing on Proposed Amendment and Adoption is available through the department's web site at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of this Notice of Public Hearing on Proposed Amendment and Adoption conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that

in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent or delivered to the contact person in (5) above or may be made by completing a request form at any rules hearing held by the department.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The bill sponsor was notified by regular mail on November 21, 2007.

#### DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

/s/ Mary Sexton  
MARY SEXTON  
Director  
Natural Resources and Conservation

/s/ Mark Phares  
MARK PHARES  
Rule Reviewer

Certified to the Secretary of State on August 18, 2008.